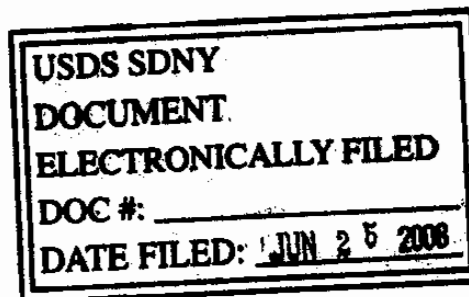


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- x  
SHAWN SHEPARD,

Plaintiff,

- against -

DECHERT LLP,

Defendant.  
----- x

07 Civ. 11474 (PAC)

REVISED CIVIL CASE  
MANAGEMENT PLAN AND  
SCHEDULING ORDER

This Revised Civil Case Management Plan, submitted in accordance with Rule 26(f), Fed. R. Civ. P., is adopted as the Scheduling Order of this Court in accordance with Rule 16(f), Fed. R. Civ. P.

1. All parties **do not consent** to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). [Circle one.] [If all consent, the remaining paragraphs need not be completed.]
2. This case **is** to be tried to a jury.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within **thirty (30) days** from the date of this Order. [Absent exceptional circumstances, thirty (30) days.]
4. Initial disclosure pursuant to Rules 26(a)(1), Fed. R. Civ. P., shall be completed not later than **fourteen (14)** days from the date of this Order. [Absent exceptional circumstances, fourteen (14) days.]
5. All **fact** discovery shall be completed no later than **September 15, 2008** (*previously July 31, 2008*). [A period not to exceed 120 days, unless the Court finds that the case presents unique complexities or other exceptional circumstances.]
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided all fact discovery is completed by the date set forth in paragraph 5 above:

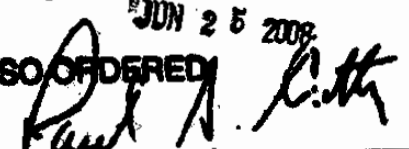
- a. Initial requests for production of documents to be served by May 9, 2008 (completed).
  - b. Interrogatories to be served by May 9, 2008 (completed).
  - c. Depositions to be completed by September 15, 2008 (previously July 31, 2008).
  - d. Requests to Admit to be served no later than September 15, 2008 (previously July 31, 2008).
7. a. All expert discovery shall be completed no later than November 15, 2008 (previously September 15, 2008). [Absent exceptional circumstances, a date forty-five (45) days from the date in paragraph 5, i.e. the completion of all fact discovery.]
- b. No later than thirty (30) days prior to the date in paragraph 5, i.e. the completion of all fact discovery, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) plaintiff(s)' expert report(s) shall be due before those of defendant(s)' expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 7(a).
8. All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements.
9. All counsel must meet face-to-face for at least one hour to discuss settlement within fourteen (14) days following the close of fact discovery.
10. a. Counsel for the parties have discussed an informal exchange of information in aid of an early settlement of this case and have agreed upon the following:  
The parties have previously engaged in both private settlement discussions, as well as mediation before the EEOC, both of which were unsuccessful. Notwithstanding, Defendant does not foreclose the possibility of making use of potential alternative dispute resolution mechanisms in the future.
- 
- b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. Counsel for the parties propose the following alternate dispute resolution mechanism for this case: \_\_\_\_\_
- 
- c. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph b, be employed at the following point in the case (e.g. within the next sixty days; after the deposition of plaintiff is completed (specify date); after the close of fact discovery) \_\_\_\_\_
-

- d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.
11. The Final Pretrial Submission Date is thirty (30) days following the close of fact and expert discovery (whichever is later). By the Final Pretrial Submission Date, the parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practices and Rule 26(a)(3), Fed. R. Civ. P. Any motions in limine (for which the premotion conference requirement is waived) shall be filed by the Final Pretrial Submission Date. If this action is to be tried before a jury, proposed voir dire, jury instructions and verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the submission. Jury instructions may not be submitted after the Final Pretrial Submission Date, unless they meet the standard of Rule 51(a)(2)(A), Fed. R. Civ. P. If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted by the Final Pretrial Submission Date.
12. Counsel for the parties have conferred and their present best estimate of the length of trial is: one (1) week.
- 13.

Civil Case Management Plan Requirement	
Motion to amend or to join additional parties to be filed no later than:	5/1/08
Initial Disclosure pursuant to Rule 26(a)(1), Fed. R. Civ. P. to be served no later than	5/1/08
All fact discovery to be completed no later than:	9/15/08
Discovery - initial requests for production of documents to be served no later than:	5/9/08
Discovery - interrogatories to be served no later than:	5/9/08
Discovery - depositions to be completed no later than:	9/15/08
Discovery - requests to admit to be served no later than:	9/15/08
All expert discovery to be completed no later than:	11/15/08
Parties to meet to confer on scheduled for expert disclosures no later than:	8/29/08
All counsel to meet face-to-face to discuss settlement no later than:	9/1/08
Date recommended by counsel for alternate dispute resolution:	N/A

#### TO BE COMPLETED BY THE COURT:

14. The next Case Management is scheduled for August 7, 2008 at 4:30 PM in Courtroom 20-C. The 6-26-08 PTC has been taken off the calendar.  
This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend shall be made in a written application in accordance with paragraph 1(E) of the Court's Individual Practices and shall be made no less than two (2) days prior to the expiration of the date sought to be extended.

3 <sup>JUN 25 2008</sup>  
**SO ORDERED**  
  
**HON. PAUL A. CROTTY**  
**UNITED STATES DISTRICT JUDGE**

## PROSKAUER ROSE LLP

1585 Broadway  
New York, NY 10036-8299  
Telephone 212.969.3000  
Fax 212.969.2900

Ian C. Schaefer  
Attorney at Law

Direct Dial 212.969.3563  
ischaefer@proskauer.com

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June 24, 2008

### **By Email and Facsimile**

The Honorable Paul A. Crotty  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 735  
New York, New York 10007-1312

Re: Shawn Shepard v. Dechert, LLP, 07 Civ 7932 (PAC)

Dear Judge Crotty:

We represent Defendant Dechert, LLP ("Dechert") in the above-identified matter, and write on behalf of both parties requesting an adjournment of the Case Management Conference scheduled for Thursday, June 26, 2008. This represents the first request for an adjournment of any conference or other deadline in this matter.

The parties make this request as exigent health circumstances of Defendant's counsel have forestalled compliance with the Court's original Civil Case Management Plan and Scheduling Order (the "Order") dated April 17, 2008. As such, while the parties have exchanged initial discovery requests in compliance with the Order, the parties have yet to produce document and interrogatory responses but have agreed to do so by early July. Accordingly, there currently exist no discovery disputes requiring the Court's attention, and the parties are working cooperatively toward moving discovery forward given that the health circumstances at issue have now abated.

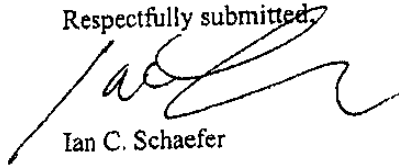
In light of the foregoing, it does seem likely that the original close of discovery date, July 31, 2008 will need to be revised. In compliance with Your Honor's individual practice rules, a revised proposed Civil Case Management Form to which both parties consent is enclosed herewith.

Also pursuant to Your Honor's individual practice rules, the parties have conferred and propose the following alternate three (3) dates for the next Case Management Conference: July 31, 2008; August 7, 2008; or August 8, 2008.

PROSKAUER ROSE LLP

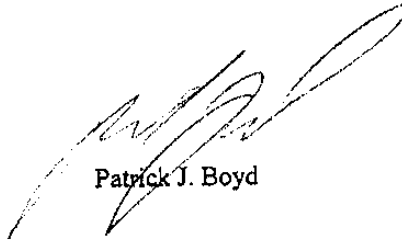
The Honorable Paul A. Crotty  
June 24, 2008  
Page 2

Respectfully submitted,



Ian C. Schaefer

Enclosures



Patrick J. Boyd